THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 7797 of 2006

Dated: 10-08-2006

Between:

Pasula Abelu

..... PETITIONER

AND

The Chairman & Managing Director,
Hyderabad and three others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 7797 of 2006

O R D E R:

The petitioner claims title to an extent of Ac.4.20 guntas of land situated in Jangaon Town. It is stated that in the year 1996, an extent of Ac.3.32 guntas out of the above extent of Ac.4.20 guntas was acquired for the purpose of constructing a bus depot by the A.P. State Road Transport Corporation and compensation was also paid. It is alleged that subsequently, the remaining extent of Ac.0.28 guntas was also taken away by the Officials of the Corporation in spite of the protest made by the petitioner. It is also alleged that his request to demarcate the area and to hand over the excess land taken from him has not been considered by the respondents. While so, the second respondent issued a notice dated 23-03-2006 which was published on 01-04-2006 in the local dailies inviting tenders for grant of licence under the scheme Deposit Operate and Transfer (D.O.T.) in respect of the land in question to construct shops. Aggrieved by the said action of the respondent-Corporation, this writ petition is filed seeking a Mandamus declaring that the tender notice dated 23-03-2006 is arbitrary and illegal since the land which was put to auction belongs to the petitioner and the same was never acquired by the Corporation following due process of law. Accordingly, the petitioner had also sought for stay of all further proceedings pursuant to the impugned tender notice dated 23-03-2006.

In response to the Rule Nisi ordered on 20-04-2006, on behalf of the Corporation, a counter affidavit has been filed stating that on a

request made by the A.P. State Road Transport Corporation, a total extent of Ac.3.36 guntas situated in Sy. Nos. 146/2 and 146/3 was acquired for the purpose of construction of bus depot after following the procedure prescribed under the Land Acquisition Act, 1894 (for short 'the Act'). It is stated that the land Acquisition Officer passed two awards dated 23-09-1986 in respect of Ac.2.00 of land situated in Sy.No.146/2 which was acquired on 29-12-1975 and another extent of land acquired on 26-04-1976 and the total compensation was worked out as Rs.62,955.55ps and Rs.67,719.70ps. However, since there was a title dispute, the matter was referred to Civil Court under Section 30 of the Act in respect of both the awards, and the Corporation which is the Requisitioning Department has deposited the amounts as fixed by the Land Acquisition Officer. The allegation that apart from the said land, the Corporation has taken away Ac.0.28 guntas of land belonging to the petitioner has been denied categorically and it is stated that the said land was neither acquired nor occupied by the Corporation. The land acquired in the year 1975-76 was taken possession under Panchanama and the same has been in physical possession of the A.P. State Road Transport Corporation for the past 30 years without any dispute. Accordingly, the impugned tender notice was issued inviting bids under DOT scheme.

In the light of the above said counter affidavit, the contents of which stood un-rebutted, and particularly in the absence of any material to substantiate the allegation that Ac.0.28 guntas of land belonging to him was occupied by the Corporation, I do not find any substance in the contentions raised by the petitioner. At any rate since apparently the matter involves disputed questions of fact, if the petitioner is still aggrieved, it is open to him to work out the appropriate common law remedy as available under law.

Accordingly, the writ petition is dismissed. No costs.

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G. ROHINI, J

Dated: 10-08-2006

KLP